

APPEAL NO. 022841
FILED DECEMBER 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 20, 2002. The hearing officer determined that the appellant (claimant) did not have good cause for failure to attend a second required medical examination and that the respondent (carrier) could suspend temporary income benefits (TIBs) for the time period affected by this. The hearing officer further held that the claimant did not have disability for the time period TIBs is suspended.

The claimant filed an apparent appeal, asking what he is to do next. The carrier responds that the appeal is untimely.

DECISION

A timely appeal not having been filed with the Texas Workers' Compensation Commission (Commission), the decision of the hearing officer has become final.

The decision of the Commission was distributed on August 27, 2001. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the claimant is deemed to have received this decision on September 1, 2002. The appeal was due in accordance with amended Section 410.202 to be filed by September 24, 2002. The appeal was filed with the Commission on November 7, 2002; this is untimely and by operation of Section 410.169, the hearing officer's decision has become final.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge